

**KIM GILBERT EBRON**  
7625 DEAN MARTIN DRIVE, SUITE 110  
LAS VEGAS, NEVADA 89139  
(702) 485-3300 FAX (702) 485-3301

DIANA CLINE EBRON, ESQ.  
Nevada Bar No. 10580  
E-mail: diana@kgelegal.com  
JACQUELINE A. GILBERT, ESQ.  
Nevada Bar No. 10593  
E-mail: jackie@kgelegal.com  
KAREN L. HANKS, ESQ.  
Nevada Bar No. 9578  
E-mail: karen@kgelegal.com  
KIM GILBERT EBRON  
*fka Howard Kim & Associates*  
7625 Dean Martin Drive, Suite 110  
Las Vegas, Nevada 89139  
Telephone: (702) 485-3300  
Facsimile: (702) 485-3301  
*Attorneys for SFR Investments Pool 1, LLC*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF  
THE CWALT, INC., ALTERNATIVE LOAN  
TRUST 2007-HY7C MORTGAGE PASS-  
THROUGH CERTIFICATES SERIES 2007-  
HY7C,

Plaintiff,

vs.

MESA HOMEOWNERS ASSOCIATION;  
SFR INVESTMENTS POOL 1, LLC;  
NEVADA ASSOCIATION SERVICES, Inc.;  
ALESSI & KOENIG, LLC,

Defendants.

Case No. 2:16-cv-01239-RFB-CWH

**SFR INVESTMENTS POOL 1, LLC'S  
DEMAND FOR SECURITY OF COSTS  
PURSUANT TO NRS 18.130(1)**

SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2007-HY7C MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY7C ("BNY Mellon" or "Bank"), an out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank, "security for the costs and charges which may be awarded against such plaintiff may be required by defendant, by the filing and service on plaintiff of a written demand within the time limited for

1 answering the complaint.” NRS 18.130(1). When a defendant demands a cost bond, “all  
 2 proceedings in the action shall be stayed” until plaintiff files “an undertaking, executed by two or  
 3 more persons, to the effect that they will pay such costs and charges as may be awarded against  
 4 the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with  
 5 the clerk of the court.” *Id.* “After the lapse of 30 days from the service of notice that security is  
 6 required, or of an order for new or additional security, upon proof thereof, and that no undertaking  
 7 as required has been filed, the court or judge may order the action to be dismissed.” NRS  
 8 18.130(4).

9 “It is the policy of the United States District Court for the District of Nevada to enforce  
 10 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL  
 11 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*  
 12 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

13 Here, BNY Mellon is not a Nevada citizen, but rather a Delaware corporation with its  
 14 corporate headquarters in New York. Accordingly, SFR demands that the Bank post a \$500 cost  
 15 bond within 30 days and that the proceedings be stayed until such cost bond is posted. Should  
 16 the Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this  
 17 action be dismissed.

18 DATED June 30, 2016.

**KIM GILBERT EBRON**

/s/ Diana Cline Ebron  
 DIANA CLINE EBRON, ESQ.  
 Nevada Bar No. 10580  
 JACQUELINE A. GILBERT, ESQ.  
 Nevada Bar No. 10593  
 KAREN L. HANKS, ESQ.  
 Nevada Bar No. 9578  
 7625 Dean Martin Drive, Suite 110  
 Las Vegas, Nevada 89139  
*Attorneys for SFR Investments Pool 1, LLC*

19  
 20  
 21 IT IS SO ORDERED:

22 

23  
 24 RICHARD F. BOULWARE, II  
 United States District Judge

25 DATED this 10th day of October, 2016.  
 26  
 27  
 28

**KIM GILBERT EBRON**  
 7625 DEAN MARTIN DRIVE, SUITE 110  
 LAS VEGAS, NEVADA 89139  
 (702) 485-3300 FAX (702) 485-3301

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30th day of June 2016, pursuant to FRCP 5, I served via the CM-ECF electronic filing system the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)**, to the following parties:

Darren T Brenner  
William Shane Habdas  
Akerman LLP  
1160 N. Town Center Dr., Ste. 330  
Las Vegas, NV 89144  
702-634-5000  
Fax: 702-380-8572  
Email: william.habdas@akerman.com  
Email: darren.brenner@akerman.com

*Counsel for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2007-HY7C MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY7C*

Christopher V. Yergensen  
Nevada Association Services, Inc.  
6224 West Desert Inn Road  
Las Vegas, NV 89146  
702-804-8885  
Fax: 702-804-8887  
Email: chris@nas-inc.com

*Counsel for Nevada Association Services, Inc.*

*/s/ Alan G. Harvey*  
An employee of KIM GILBERT EBRON

**KIM GILBERT EBRON**  
7625 DEAN MARTIN DRIVE, SUITE 110  
LAS VEGAS, NEVADA 89139  
(702) 485-3300 FAX (702) 485-3301